

REMARKS

Claims 1 to 9 and 13 to 26 are pending.

Claim 12 was rejected under 35 U.S.C. §103(a) over Argrafotis et al. and Cawse et al. "Combinatorial Search and Experimental Design Techniques." This rejection is overcome by the attached Declaration that establishes that James N. Cawse, the sole inventor of the present application, is an inventor of the subject matter disclosed in Cawse et al. "Combinatorial Search and Experimental Design Techniques" that is relied upon to reject claim 12. The Declaration establishes that Cawse et al. "Combinatorial Search and Experimental Design Techniques" is not prior art under 35 U.S.C. §102(e) or 35 U.S.C. §103(a). The rejection of claim 12 under 35 U.S.C. §103(a) over Argrafotis et al. and Cawse et al. "Combinatorial Search and Experimental Design Techniques" (Cawse et al.) must be withdrawn. See 35 U.S.C. §103(c).

Claims 1 to 9 and 13 to 34 were rejected under 35 U.S.C. §103(a) were rejected over Argrafotis et al. and Reddington et al. Claim 1 was not rejected over Argrafotis et al. and Cawse et al. "Combinatorial Search and Experimental Design Techniques" Claim 12 is rewritten as independent claim 1. As pointed out above, claim 12 was not rejected over Argrafotis et al. and Reddington et al. The Declaration overcomes the rejection of claim 12 over Argrafotis et al. and Cawse et al. "Combinatorial Search and Experimental Design Techniques" Hence, rewritten claim 1 should be allowable. Claims 2 to 9 and 13 to 26 depend from claim 1 and should be allowable.

Applicant vigorously traverses the rejection of claim 12 under 35 U.S.C. §103(a) over Argrafotis et al. and Cawse et al. "Combinatorial Search and Experimental Design Techniques" and the rejection of claims 1 to 9 and 13 to 34 under 35 U.S.C. §103(a) over Argrafotis et al. and Reddington et al. The rejections are based on improper combinations of references without motivation to combine as required by *In re Lee*, 277 F.3d 1338, 61 USPQ 2d 1430 (Fed. Cir. 2002). Additionally, even if improperly combined, the references do not make out a prima facie case of obviousness. See *In re Deuel*, 34 USPQ2d 1210 (Fed. Cir. 1995). However, Applicant has amended the claims including canceling claims 10 to 12 and 27 to 34 to gain a quick allowance in view of the

sole (and now overcome) rejection of claim 12 over Argrafotis et al. and Cawse et al. "Combinatorial Search and Experimental Design Techniques." However, if the amendments and declaration do not place this case in condition for allowance, Applicant reserves the right to restore all canceled claims and reverse all amendments to place the claims back into their original form and to argue the impropriety of the current rejections.

In view of the foregoing amendments and remarks, it is respectfully submitted that claims 1 to 9 and 13 to 26 are allowable. Reconsideration and allowance are requested.

Should the Examiner believe that any further action is necessary in order to place this application in condition for allowance, he is requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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